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should have been palsied that characterized the Feudal System as a 'plan of liberty.' It is a sycophant lawyer, false to all sense of honor, false to the free spirit which was even then growing in England, that made that infamous statement. There are many falsehoods in Blackstone. This is one of the worst and most contemptible of them," and he thinks that Blackstone "deliberately and wilfully uttered an untruth." Are such truculent outbursts calculated to insure the reader's confidence in one whose judicial robes should stand for a judgment unfettered by doctrine or creed?

The book must not be pushed, however, for more than it was intended to be. It is an "Introduction to the History of the Development of Law," and as such sets down many very interesting facts. But the author rushes in where more competent men have feared to tread and pronounces opinions which had been better left unsaid. One must do him the justice of saying that his book is very readable, in fact, entertaining; yet there lurks behind his smooth style the suspicion of insecurity due to a lack of sufficiently exhaustive research.

J. H. W.

A POCKET CODE OF THE RULES OF EVIDENCE. By John H. Wigmore. Boston: Little, Brown and Co. 1910.

In the Pocket Code of Evidence Mr. Wigmore has attempted to give to the profession a practical hand-book of evidence which will supplant the omnipresent Stephen's Digest. Whether or not the law of evidence can adequately be presented in the concise form of a code is open to serious question, but it is believed that Mr. Wigmore's five hundred page 16mo. abridgment of his exhaustive five-volume treatise will go far toward a solution of the problem.

But little improvement could be suggested in the form of the volume. By a system of brackets the reader is warned at once whether a given rule is followed in all jurisdictions, or in some only, and the alternate blank pages afford the practitioner ample facilities for noting the peculiarities of his own jurisdiction. The rules that have as yet not been followed, but which Mr. Wigmore thinks should be law, are also marked in such a way as not to mislead. The elaborate system of cross-references, although not exhaustive, serve as a guide to other rules that may be applicable to the point in question, and citations of sections in Mr. Wigmore's Treatise on the System of Evidence open the way to a more exhaustive study of each rule. Special mention should also be made of the copious index, table of contents and tabular analysis, for the value of any code depends on the ease with which each rule can be found.

As a practical hand-book the substance of the volume may be open to criticism on the ground that too much space is devoted to a statement of the law as it ought to be, thus making reference to the law as it is less easy. Such Utopian discussions of what the law should be, ideal though they are, and sometimes more theoretical than practical, no doubt have an important place in exhaustive treatises, but it may well be argued that, in a hand-book designed for quick reference they are an unnecessary encumbrance. On the other hand, a writer of the depth and genius of Mr. Wigmore would scarcely be satisfied with a mere digest which any drudge might produce, and it is to be sincerely hoped that at least in the newer jurisdictions this phase of the code will have a potent influence in breaking the chain of useless technicalities with which the law of evidence is bound.

As a practical hand-book for lawyers and as a road to the adoption of rules that shall be the "ministrant tools" instead of the "tyrannous masters" of our judges, the Pocket Code of Evidence will prove itself of great value. But, as Mr. Wigmore in his admirable preface reminds us, it is, after all, "the spirit that gives life to the rules." "What the Law of Evidence, and of Procedure, nowadays most needs is that the men who are our judges shall firmly dispose themselves to get at the truth and the merits of the case before them. Until they become of this disposition and spirit, the mere body of rules, however scientific, however sensible, however apt for justice, will minister to them in vain."

H. E.

BIOGRAPHICAL STORY OF THE CONSTITUTION—A STUDY OF THE GROWTH OF THE AMERICAN UNION. By Edward Elliott. New York: G. P. Putnam's Sons, 1910.

The history of the American Constitution, from either a historical or legal point of view, does not in the average instance attract the lay mind. It is too intimately bound up with such troublesome doctrines as nullification, secession and state sovereignty, to appeal to one who is neither a student nor a scholar. No gleam of interest is awakened in the bosom of the general reading public by a discussion of the implied powers, or of the question, does the constitution follow the flag?

In the present instance, however, the author has gone far towards affording a readable and instructive account of the general development of the nation's fundamental document. As is suggested by the title, the book is not a technical legal work. It wisely refrains from any claim to completeness or exhaustiveness. In twelve chapters the author treats of as many prominent men in our constitutional history, and their influence on the trend of constitutional interpretation. It is most interestingly done, due perhaps to the fact that the personal element is much in evidence and the reader is made to feel the intensity and sincerity with which opposing constitutional doctrines were maintained by their respective advocates. However, the method of treatment has its disadvantages, as the reader is left with the impression that this is a government of men, not of laws, a feeling that is, perhaps, justified by the subject of the last chapter.

The basic note that runs through the book is the struggle to discover the nature of the union between the several states. The bitterness of the contention on this point, and the difficulty of its solution, are admirably brought out, and the reader feels no small thrill of patriotism when he reaches the point where the War of the Rebellion concluded the difference and proved that the union was a unit.

An appendix contains the documents most intimately connected with the growth of the union, and affords an opportunity for the most valuable kind of study on the subject of the work, that of the original sources.

E. S. B.